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9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 PARNELL JAY FAIR, individually ,

Case No.: 2:20-cv-01841-JCM-BNW

12 Plaintiff,

13 vs.

14 **STIPULATION TO EXTEND
DISPOSITIVE MOTION DEADLINE
(First Request)**

15 LUKAS TURLEY, individually;
ALEXANDER RYNDK, individually,

16 Defendants.

17 Pursuant to LR 6-1 and LR 26-4, Defendants, Lukas Turley and Alexander Ryndak
18 (“LVMPD Defendants”) and Plaintiff, Parnell Jay Fair (“Plaintiff”) by and through their respective
19 counsel, hereby stipulate, agree, and request that this Court extend the dispositive motion deadline
20 from the current date of March 22, 2023 for an additional three (3) weeks as the Defendants need
additional time to prepare their dispositive motions.

21 **A. Discovery Completed to Date**

22 Discovery in this matter is complete and the deadline to complete discovery has passed.
23 The parties have provided their initial Rule 26 Disclosures and produced numerous supplemental
24 disclosures. All written discovery was completed and third-party subpoenas were served. The

1 depositions of each individual Defendant, the Plaintiff, third-party witnesses and experts were
 2 taken. The parties timely disclosed expert and rebuttal expert reports.

3 **B. Discovery Remaining to be Completed**

4 No further discovery is needed.

5 **C. Reason for Request for Extension of Dispositive Motion Deadline**

6 The parties took some expert depositions close to the close of discovery and deposition
 7 transcripts are not yet finalized. In addition, counsel for the LVMPD Defendants has scheduling
 8 conflicts due to school closures for spring break. As such, a few additional weeks are needed to prepare
 9 dispositive motions.

10 **D. Proposed Extended Deadline for Dispositive Motions**

11 Accordingly, the parties respectfully request that this Court enter an order as follows:

12 (1) Dispositive Motions.

13 The parties request the current deadline of March 22, 2023, be extended to April 12, 2023.

14 The parties recognize that they are making this request fewer than twenty-one days before
 15 the current dispositive motion deadline of March 22, 2023, however the parties submit that good
 16 cause and excusable neglect exists for the delay.

17 LR 26-3 states in relevant part:

18 A motion or stipulation to extend a deadline set forth in a discovery plan
 19 must be received by the court no later than 21 days before the expiration of
 20 the subject deadline. A request made within 21 days of the subject deadline
 21 must be supported by a showing of good cause. A request made after the
 22 expiration of the subject deadline will not be granted unless the movant also
 23 demonstrates that the failure to act was the result of excusable neglect.

24 In evaluating excusable neglect, the court considers the following factors: (1) the reason
 for the delay and whether it was in the reasonable control of the moving party, (2) whether the
 moving party acted in good faith, (3) the length of the delay and its potential impact on the

proceedings, and (4) the danger of prejudice to the nonmoving party. *See Pioneer Inv. Servs. Co. v. Brunswick Assocs.*, 507 U.S. 380, 395 S. Ct. 1489, 123 L.Ed.2d 74 (1993).

There is good cause for the requested brief extension as shown above. The parties have acted diligently and have conducted all discovery in this matter. However, some depositions were taken close to the discovery cut off and have caused a slight delay in the receipt of necessary transcripts. Moreover, Defendants Counsel will have some schedule conflicts with family due to school closures for spring break and will not have sufficient time to prepare dispositive motions. Counsel was not aware that an extension would be needed twenty-one (21) days ago. As such, the parties believe that excusable neglect is shown.

This request for an extension is made in good faith and joined by all the parties in this case. Trial is not yet set in this matter and dispositive motions have not yet been filed. Accordingly, this extension will not delay this case. The extension will allow the Defendants the time needed to prepare their dispositive motions.

DATED this 8th day of March, 2023.

DATED this 8th day of March, 2023.

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ORDER

IT IS SO ORDERED

DATED: 3:49 pm, March 13, 2023



BRENDA WEKSLER
 UNITED STATES MAGISTRATE JUDGE